

EXHIBIT 2
DATE 2/9/11
HB 422

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82-4-335 (4) amended to allow the applicant to request direct billing by environmental contractor.

DEQ's Chief Legal Counsel has concerns that the language in proposed (b) (ii) is in conflict with Workers Compensation law at 39-71-417, MCA, which states that an independent contractor must be "free from control or direction," and unemployment insurance law at 39-51-201 (15) which has similar language.

We respectfully suggest that the phrase "supervised, controlled, and directed" be changed to "assigned, reviewed, and accepted or rejected."

Warren McCullough
Chief, Environmental Management Bureau
444-6791
DEQ

2/8/11